

REMARKS

The Office Action mailed March 3, 2006, in the nature of a requirement for restriction, has been carefully reviewed. Favorable consideration is respectfully requested.

Restriction has been required among what the Examiner considers to be patentably distinct species of the invention, as follows:

- (I) Group I, drawn to a gene sequence of a spacer region of *P. frisingensis*, presently comprising claims 1-3; and
- (II) Group II, drawn to a method for detection using a gene sequence spacer region of *P. frisingensis*, presently comprising claims 4-9.

Applicants hereby elect Group II, presently comprising claims 4-9, drawn to a method for detection using a gene spacer region of *P. frisingensis*.

If the restriction requirement is maintained, it will be clear on the record that the PTO considers the groups to be patentably distinct from one another *i.e.*, *prima facie non-obvious* from one another. This means that a reference identical to the one group would not render the other group *prima facie* obvious.

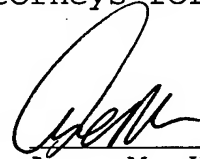
Appln. No. 10/660,642
Amd. dated March 24, 2006
Reply to Office Action of March 3, 2006

Favorable consideration and examination of all
pending claims on the merits are respectfully requested.

Respectfully submitted,

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